

REMARKS

The Office Action mailed November 25, 2008 has been received and reviewed. Claims 1-24 are in the case. Claims 1-24 stand rejected under 35 U.S.C. § 103(a).

By this paper, claims 1-24 have been canceled and claims 25-44 have been added. For the reasons set forth below, claims 25-44 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks is, therefore, respectfully requested.

Rejection of Claims 1-24 Under 35 U.S.C. §103(a)

Claims 1-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over various combinations of Chu, Mathai, Baidya, Ryan, and an Official Notice taken by the examiner. By this paper, claims 1-24 have been canceled. Accordingly, the present rejection is now moot. Moreover, to establish a *prima facie* case of obviousness, the Office action must first find all of the claimed elements, then provide clear articulation of the reason(s) why the claimed invention would have been obvious. *See* MPEP 2143. With respect to newly added claims 25-44, the Office action does not do this.

Specifically, Applicant does not find in any of the combinations of Chu, Mathai, Baidya, Ryan, and the Official Notice any teaching or suggestion of an event server interacting with a human harvester in the manner and with the detail recited. Accordingly, Applications asserts that no combination of Chu, Mathai, Baidya, Ryan, and the Official Notice can establish a *prima facie* case of obviousness. Reconsideration is, therefore, respectfully requested.

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 25th day of May, 2009.

Respectfully submitted,

/ A John Pate/
A. John Pate, Reg. No. 36,234
Attorney for Applicant

Date: May 25, 2009

PATE PIERCE & BAIRD
175 South Main Street, Suite 1250
Salt Lake City, Utah 84111
Telephone: (801) 530-0330
Facsimile: (801) 530-5955

3367-2-1 PAT-FIL-ROA3.wpd